

David L. Mortensen (#8242)

David.Mortensen@stoel.com

Jordan C. Bledsoe (#15545)

Jordan.Bledsoe@stoel.com

STOEL RIVES LLP

201 S Main Street, Suite 1100

Salt Lake City, UT 84111

Telephone: (801) 328-3131

Facsimile: (801) 578-6999

Attorneys for Plaintiff Xat.com Limited

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

XAT.COM LIMITED,

Plaintiff,

v.

HOSTING SERVICES, INC. A/K/A
100TB.COM,

Defendant.

**PLAINTIFF XAT.COM
LIMITED'S MOTION TO STRIKE
DEFENDANT HOSTING
SERVICES, INC. A/K/A
100TB.COM'S REPLY IN
SUPPORT OF SHORT FORM
DISCOVERY MOTION**

Case No. 1:16-cv-00092

Chief Magistrate Judge Paul M.
Warner

Mediator: Magistrate Judge Dustin B.
Pead

Defendant Hosting Services, Inc. a/k/a 100TB.com (“100TB”) filed a reply in support of its short form discovery motion (the “Reply”). *See Dkt. No. 84.* But DUCivR 37-1, which governs procedure for discovery disputes, does not permit a party to file a reply in support of a short form discovery motion. Accordingly, plaintiff Xat.com Limited (“Xat”) requests that the Court strike the Reply. Alternatively, Xat requests that it be allowed to address misrepresentations in the Reply through further briefing (i.e., a surreply), *see* DUCivR 37-1(a)(7)(C), or during a hearing, *see* DUCivR 37-1(a)(7)(A).

DATED: October 11, 2018.

STOEL RIVES LLP

/s/ David L. Mortensen
David L. Mortensen
Jordan C. Bledsoe

Attorneys for Plaintiff Xat.com Limited

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2018, I caused a true and correct copy of the foregoing to be served by CM/ECF and electronic mail to:

Patricia W. Christensen
PARR BROWN GEE & LOVELESS
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
pchristensen@parrbrown.com

David M. McMillan
Paul G. Karlsgodt
BAKER & HOSTETLER LLP
1801 California Street
Denver, Co 80202
dmcmillan@bakerlaw.com
pkarlsgodt@bakerlaw.com

/s/ Robin Noss